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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,154	01/12/2000	Craig T. Hall	LEANP001	6622

22434 7590 10/22/2002

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EXAMINER

NGUYEN, NGA B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/482,154

Applicant(s)

Hall et al.

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE one MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 12, 2000
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-86 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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**DETAILED ACTION**

1. This Office Action is the answer to the communication filed on January 12, 2000, which paper has been placed of record in the file.
2. Claims 1-86 are pending in this application.

***Restriction/Election***

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-22, 40-45 and 76-86, drawn to a method for matching carrier capacities with shipper loads, classified in class 705, subclass 37.
  - II. Claims 23-39, drawn to a method for performing searching process to identify a shipper load and posting the unit for viewing by shipper representatives, classified in class 705, subclass 27.
  - III. Claims 46-57, drawn to a method for controlling visibility of the carrier capacities and the shipper loads, classified in class 705, subclass 64.
  - IV. Claims 58-63, drawn to a method for notifying a system user of system events, classified in class 705, subclass 26.
  - V. Claims 64-67, drawn to a method for transferring funds from shipper to a carrier, classified in class 705, subclass 39.
  - VI. Claims 68-75, drawn to a method for maintaining a service rating for each shipper and each carrier, classified in class 705, subclass 14.

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4. The inventions are distinct, each from the other because of the following reasons:

Inventions are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d). In the instant case, invention has separate utility such as:

(1) Inventions I and II have separate utility such as: the invention I drawn to a method for matching carrier capacities with shipper loads, in which the plurality of bids for the shipper loads are generated corresponding to a same unit of capacity, in contrast, the invention II drawn to a method for performing searching process to identify a shipper load and posting the unit for viewing by shipper representatives. Therefore, the invention I and II are shown to be separately usable.

(2) Inventions I and III have separate utility such as: the invention I drawn to a method for matching carrier capacities with shipper loads, in which the plurality of bids for the shipper loads are generated corresponding to a same unit of capacity, in contrast, the invention III drawn to a method for controlling visibility of the carrier capacities and the shipper loads, in which the carrier and the shipper representatives are limited to view the particular carrier capacities or shipper loads by inputting identification information. Therefore, the invention I and III are shown to be separately usable.

(3) Inventions I and IV have separate utility such as: the invention I drawn to a method for matching carrier capacities with shipper loads, in which the plurality of bids for the shipper loads

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are generated corresponding to a same unit of capacity, in contrast, the invention IV drawn to a method for notifying a system user of system events, in which the user identifies the notification option and when the event occurs, the system notifies the user according to the notification option specified by the user. Therefore, the invention I and IV are shown to be separately usable.

(4) Inventions I and V have separate utility such as: the invention I drawn to a method for matching carrier capacities with shipper loads, in which the plurality of bids for the shipper loads are generated corresponding to a same unit of capacity, in contrast, the invention V drawn to a method for transferring funds from shipper to a carrier, in which effecting an electronic funds transfer from the shipper to the carrier using account information previously input into the system. Therefore, the invention I and V are shown to be separately usable.

(5) Inventions I and VI have separate utility such as: the invention I drawn to a method for matching carrier capacities with shipper loads, in which the plurality of bids for the shipper loads are generated corresponding to a same unit of capacity, in contrast, the invention VI drawn to a method for maintaining a service rating for each shipper and each carrier, in which the system selects the shippers and carriers based on their service rating calculated based on at least one parameter related to their performance. Therefore, the invention I and VI are shown to be separately usable.

(6) Inventions II and III have separate utility such as: the invention II drawn to a method for performing searching process to identify a shipper load and posting the unit for viewing by shipper representatives, in contrast, the invention III drawn to a method for controlling visibility

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of the carrier capacities and the shipper loads, in which the carrier and the shipper representatives are limited to view the particular carrier capacities or shipper loads by inputting identification information. Therefore, the invention II and III are shown to be separately usable.

(7) Inventions II and IV have separate utility such as: the invention II drawn to a method for performing searching process to identify a shipper load and posting the unit for viewing by shipper representatives, in contrast, the invention IV drawn to a method for notifying a system user of system events, in which the user identifies the notification option and when the event occurs, the system notifies the user according to the notification option specified by the user. Therefore, the invention II and IV are shown to be separately usable.

(8) Inventions II and V have separate utility such as: the invention II drawn to a method for performing searching process to identify a shipper load and posting the unit for viewing by shipper representatives, in contrast, the invention V drawn to a method for transferring funds from shipper to a carrier, in which effecting an electronic funds transfer from the shipper to the carrier using account information previously input into the system. Therefore, the invention II and V are shown to be separately usable.

(9) Inventions II and VI have separate utility such as: the invention II drawn to a method for performing searching process to identify a shipper load and posting the unit for viewing by shipper representatives, in contrast, the invention VI drawn to a method for maintaining a service rating for each shipper and each carrier, in which the system selects the shippers and carriers

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based on their service rating calculated based on at least one parameter related to their performance. Therefore, the invention II and VI are shown to be separately usable.

(10) Inventions III and IV have separate utility such as: the invention III drawn to a method for controlling visibility of the carrier capacities and the shipper loads, in which the carrier and the shipper representatives are limited to view the particular carrier capacities or shipper loads by inputting identification information, in contrast, the invention IV drawn to a method for notifying a system user of system events, in which the user identifies the notification option and when the event occurs, the system notifies the user according to the notification option specified by the user. Therefore, the invention III and IV are shown to be separately usable.

(11) Inventions III and V have separate utility such as: the invention III drawn to a method for controlling visibility of the carrier capacities and the shipper loads, in which the carrier and the shipper representatives are limited to view the particular carrier capacities or shipper loads by inputting identification information, in contrast, the invention V drawn to a method for transferring funds from shipper to a carrier, in which effecting an electronic funds transfer from the shipper to the carrier using account information previously input into the system. Therefore, the invention III and V are shown to be separately usable.

(12) Inventions III and VI have separate utility such as: the invention III drawn to a method for controlling visibility of the carrier capacities and the shipper loads, in which the carrier and the shipper representatives are limited to view the particular carrier capacities or shipper loads by

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inputting identification information, in contrast, the invention VI drawn to a method for maintaining a service rating for each shipper and each carrier, in which the system selects the shippers and carriers based on their service rating calculated based on at least one parameter related to their performance. Therefore, the invention III and VI are shown to be separately usable.

(13) Inventions IV and V have separate utility such as: the invention IV drawn to a method for notifying a system user of system events, in which the user identifies the notification option and when the event occurs, in contrast, the invention V drawn to a method for transferring funds from shipper to a carrier, in which effecting an electronic funds transfer from the shipper to the carrier using account information previously input into the system. Therefore, the invention IV and V are shown to be separately usable.

(14) Inventions IV and VI have separate utility such as: the invention IV drawn to a method for notifying a system user of system events, in which the user identifies the notification option and when the event occurs, in contrast, the invention VI drawn to a method for maintaining a service rating for each shipper and each carrier, in which the system selects the shippers and carriers based on their service rating calculated based on at least one parameter related to their performance. Therefore, the invention IV and VI are shown to be separately usable.

(15) Inventions V and VI have separate utility such as: the invention V drawn to a method for transferring funds from shipper to a carrier, in which effecting an electronic funds



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transfer from the shipper to the carrier using account information previously input into the system, in contrast, the invention VI drawn to a method for maintaining a service rating for each shipper and each carrier, in which the system selects the shippers and carriers based on their service rating calculated based on at least one parameter related to their performance. Therefore, the invention V and VI are shown to be separately usable.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 8:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Souh, can be reached on (703)308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-1113.

8. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

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c/o Technology Center 3600

Washington, D.C. 20231

**or faxed to:**

(703) 305-7687, (for formal communications intended for entry)


**or:**

(703) 308-3961 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen  
October 16, 2002

  
Hyung-Sup Sough  
Primary Examiner